

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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ANGIODYNAMICS, INC.,

Plaintiff,

v.

BIOLITEC, INC., BIOLITEC AG,  
BIOMED TECHNOLOGY  
HOLDINGS, LTD., AND  
WOLFGANG NEUBERGER,

No. 3:09-CV-30181-MAP

Defendants,

BIOLITEC HOLDING U.S., INC.,  
BIOLITEC MEDICAL DEVICES, INC.,  
BIOLITEC U.S., INC., CERAMOPTEC  
INDUSTRIES, INC.,

Trustees.

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**NOTICE OF DECISION BY U.S. BANKRUPTCY COURT FOR THE DISTRICT OF  
DELAWARE GRANTING MOTION TO MODIFY THE AUTOMATIC STAY**

Plaintiff AngloDynamics, Inc. respectfully submits this notice to inform the Court of the recent ruling by the U.S. Bankruptcy Court for the District of Delaware granting AngloDynamics's motion to modify the automatic bankruptcy stay with respect to its previously-filed motion for sanctions against Trustees Biolitec Holding U.S., Inc., Biolitec Medical Devices, Inc., Biolitec U.S., Inc., and CeramOptec Industries, Inc.

**BACKGROUND**

1. On April 8, 2015, AngloDynamics moved for sanctions against the four Trustees pursuant to Fed. R. Civ. P. 37. *See* PACER Documents 476-478.

2. On April 17, 2015, the four Trustees filed voluntary Chapter 7 petitions in the U.S. Bankruptcy Court for the District of Delaware. Document 483.

3. On May 12, 2015, this Court denied AngloDynamics's motion for sanctions without prejudice based on the automatic bankruptcy stay imposed by 11 U.S.C. § 362. Document 489.

4. On July 9, 2015, AngloDynamics filed a motion in the Delaware Bankruptcy Court asking that Court to modify the automatic stay to allow this Court to rule on the previously-filed motion for sanctions. *See* Document 493.

5. On November 3, 2015, the Delaware Bankruptcy Court issued a Memorandum and Order granting the motion to modify the stay. A copy of this decision is attached hereto as **Exhibit A.**

#### **THE MEMORANDUM AND ORDER**

6. In the Memorandum and Order, the Delaware Bankruptcy Court stated:

On July 9, 2015, AngloDynamics [] filed the Stay Motion seeking to allow Judge Ponsor to rule on the Motion for Sanctions. . . .

The Motion for Sanctions asks Judge Ponsor to enter judgment against the Debtors based on their conduct before him in the context of the Massachusetts trustee process. . . .

Whether a default judgment is an appropriate sanction for the Debtors' conduct rests within the sound discretion of the trial court. . . . Judge Ponsor, not I, is in the best position to determine the appropriate sanctions, if any, for conduct occurring before him in light of the factors enumerated by the First Circuit. . . .

The issue in the Motion for Sanctions is . . . whether in the discretion of the trial court sanctions are appropriate based on the Debtors' conduct in that court. This issue should unquestionably be addressed by Judge Ponsor. . . .

Exhibit A ¶¶ 11, 19-20, 22.

7. At the conclusion of the Memorandum and Order, the DE Bankruptcy Court stated:

[I]t is **HEREBY** . . .

**ORDERED**, that effective sixty (60) days from the entry of this Order, the automatic stay under section 362(a) of the Bankruptcy Code is modified for the limited purpose of allowing AngioDynamics to re-file its Motion for Sanctions in the case pending before the United States District Court for the District of Massachusetts styled *AngioDynamics, Inc. v. Biolitec AG et al.*, Case No. 09-cv-30181-MAP (D. Mass.) and obtain a ruling thereon . . . .

**ORDERED**, that notwithstanding any sanctions that may be awarded against the Debtors as a result of a ruling on the Motion for Sanctions, the stay is not modified to permit the Clerk of the MA District Court to enter a judgment against the Debtors. . . .

Exhibit A at pp. 16-17.

8. Sixty days from the Delaware Bankruptcy Court's order is Saturday, January 2, 2016. On or about January 4, 2016, AngioDynamics will re-file its motion for sanctions with this Court.

Respectfully submitted,

Dated: November 16, 2015

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